

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

CHAMBER SUMMONS NO.1812 OF 2003
IN
SUM.SUIT NO.2799 OF 2002

M/s.Associated Brothers ..Plaintiffs

Vs.

M/s.Rupali Plastic Manufacturing
Co. & Ors. ..Defendants

.....
S.P.Chaturvedi for Plaintiffs
None for Defendants
.....

CORAM : S.U.KAMDAR, J.
DATE : JANUARY 11, 2005

P.C.:

1. The present Chamber Summons is taken out for amendment of the plaint as per the schedule set out therein. By the said amendment, the plaintiffs are seeking to substitute figures which are set out in the plaint. The defendants are served. Affidavit in reply dated 17th December, 2004 is filed inter alia contending that the suit is not maintainable as summary suit and therefore, the present Chamber Summons should also be dismissed. It is also contended that the plaintiffs have not given any details about the suit claim and have failed to produce any documents in support of claim and therefore, the suit is not maintainable as a summary suit. In my view, the said issue has to be determined at the time of hearing of the Summons for

Judgement whether the summary suit is maintainable or not. In the present application, only leave to amend the plaint is sought. In view thereof, the Chamber Summons is made absolute in terms of prayer clause (a).

[S.U.KAMDAR, J.]